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## 1. INTRODUCTION

Crime is an important factor impacting public concerns about community safety. Although crime will never be completely prevented, it can be reduced by taking precautionary measures to increase public safety.

Closed Circuit Television (hereafter referred to as CCTV) cameras may bring benefits to the community by increasing surveillance, which can lead to enhanced community safety in a particular area.

CCTV is only one of a range of strategies that Council utilises with an aim to reduce crime. Other strategies include activating public space with appropriate lighting, natural surveillance, access control and signage.

This Council policy, which is designed to operate as a Code of Practice, contains the basic standards in accordance with which Council's CCTV Program will be operated. It is supplemented by Standard Operating Procedures (SOPs) which provide instructions on aspects of the day-to-day operation of the Program.

CCTV cameras are installed at locations determined by the advice provided by the Police and other intelligence, and include, but are not limited to, areas referred to as crime 'hotspots'; licensed premises, ATMs and banking institutions, bus stops, taxi ranks, car parks, community facilities, places frequented by potentially at-risk groups including the elderly and young people.

Other, generally fixed CCTV cameras have also been installed as part of many Council assets, including Council buildings, in order to achieve the purposes listed below.

Temporary CCTV cameras differ from Council's other CCTV cameras only in that they can be rapidly deployed to and from locations in order to prevent and reduce crime and anti-social behaviour in public space. Temporary CCTV cameras are included in Council's CCTV Program and are covered by Council's CCTV Policy and Code of Practice.

CCTV cameras installed in public place locations and as part of Council infrastructure may also capture Council staff performing work tasks. The CCTV System, the subject of this Code of Practice, is not designed to intentionally provide workplace surveillance.

CCTV cameras are also installed from time to time by tenants or licensees of Council land or buildings in accordance with terms of leases and/or licences with Council, or as a separate safety measure by the tenant or licensee. Except in relation to key sites identified in the table below, where the vision is recorded and held by Council, such cameras lie outside the scope of this Policy.

This Policy refers only to cameras operated and monitored by or on behalf of Council. This Policy does not relate to mobile cameras including dash cams, and body-worn video cameras that may be used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks, or for personal safety. This Policy does include temporary cameras that are rapidly deployed for the purposes of crime prevention and community safety.

## 2. KEY PRINCIPLES

This Code of Practice is based on the following 8 key principles.

Murray River Council ensures that the CCTV System will be operated:

- ▶ fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.
- ▶ with due regard to the privacy and civil liberties of individual members of the public, and particularly with a view to minimising false association.

Council officers must have regard to the following principles in all CCTV operational activities:

**Principle 1: Purpose, Privacy and the Public Interest**

- a. Council endeavours to ensure the security and integrity of operational procedures, in order to maintain public interest and acceptance of the operation of the CCTV Program.

The purposes of the CCTV System is to:

- ▶ assist in reducing personal and property crime levels;
  - ▶ assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress;
  - ▶ assist in the detection and prosecution of offenders;
  - ▶ promote a safer and more liveable environment;
  - ▶ measure various patterns of traffic (both pedestrian and vehicle) movement, congregation and behaviour to better manage public safety and risk in public places;
  - ▶ those purposes identified next to each location in Section 6 of this Code of Practice.
- b. The CCTV system is also intended to assist in the prevention of crimes against the person or property, and in the prevention of other criminal offences and general offences; including but not limited to; robbery, outstanding warrants or wanted persons, extortion, fraud, assault, theft, break and enter, malicious damage, trespass, selling of and/or receiving stolen goods, drug related offences, weapon related offences, shoplifting, traffic and motor vehicle offences and accidents, offences and non-compliance under *Local Government Act 1993* or other relevant Acts and any subsequent revisions.
- c. The CCTV system may also utilise Intelligent Surveillance and/or Behaviour Analysis software for detection of the following, but not limited to, intrusion detection, detection and/or tracking of objects in uncrowded scenes, person or vehicle traffic counting, crowd and traffic management, slip and fall detection, detection of suspicious behaviour, vehicle and facial recognition, non-motion detection.
- d. The Police may use cameras regulated under the Program during major events, emergency situations such as a siege, riotous behaviour, bomb blast or controlled police operations.
- e. Cameras may be used to monitor individuals, groups or locations when the operator believes that an offence either has been committed, is being committed, or is about to be committed in the monitored area.
- f. The Code of Practice and Standard Operating Procedures (SOPs) emphasise Council's commitment to ensuring the privacy of individuals is protected, ensuring cameras are used for their designated purpose and the rights of individuals are protected.
- g. Council and the operators of the CCTV system will use all reasonable efforts to prevent the occurrence of false association arising from the operation or utilisation of the CCTV system.
- h. Operators of the CCTV system are accountable under this Code of Practice and the Privacy and Personal Information Protection Act 1998 (and any subsequent revisions) for their use of the CCTV system.
- i. It is noted that CCTV cameras are not placed to cover all conceivable areas. Rather, cameras are installed at 'priority' locations. The criteria for determining 'priority' locations include the level of pedestrian traffic flow through an area, whether there has been a history of crime and requests for camera installation.
- j. CCTV cameras installed in locations that are later deemed to be non-priority locations, or not assisting Council achieve the objectives identified in this Policy, will be removed.

**Principle 2: Ownership of the System, Responsibilities and Accountability**

Council is responsible for compliance with the objectives of the CCTV Program and the protection of the interests of the public in relation to the Program.

Council is accountable for the effective operation and management of the CCTV system.

- a. Council is responsible for the Policy and for ensuring compliance with the principles contained within this Policy.
- b. Council will provide information to the public on its website about the operation of the CCTV Program and about any proposed major amendment to the Policy.
- c. Council will either operate the system, give authority to an appointed contractor to operate the system and provide access to the Police upon request.
- d. Council has the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live and recorded material associated with the CCTV Program.

**Principle 3: Police Involvement in the System**

As a partner to Council's CCTV Program, the Police will act in accordance with this Code of Practice, and the Memorandum of Understanding (MOU) between Council and the Police. Contact related to the CCTV Program between Council staff, any delegated contractors and the Police, will be conducted in accordance with the Code of Practice and MOU.

- a. Any involvement in the CCTV Program by the Police will be in accordance with this Code of practice. The Police agree to:
  - i. Contribute to the program including the identification of crime 'hot spots' and where cameras may be required;
  - ii. Contribute to the Standard Operating Procedures (SOPs) that support this Code of Practice;
  - iii. Develop its own Standard Operating Procedures (SOPs) in relation to the CCTV Program to complement those developed by Council;
  - iv. Provide space for the installation of monitor(s) at the local Police Station where officers have the opportunity to view screens at the discretion of the Police;
  - v. Following notification through to Local Area Command, determine the level of response to incidents identified on monitoring screens, according to available resources and existing priorities;
  - vi. Provide ongoing information and advice to Council on the nature and level of crime in the monitored areas; and
  - vii. Participate in the evaluation process for the program.
- b. The Police will not be responsible for the provision of:
  - i. Direct financial support of the program; or
  - ii. Direct human resources for monitoring of the program.

It is noted that the Police will not have the ability to record footage shown on Council's CCTV system. Separate application will need to be made to Council.

#### **Principle 4: Public Information and Community Consultation**

The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Program.

- a. Signs advising that CCTV cameras are operating will be conspicuously displayed at the perimeter of the area covered by the system and at other key points as determined by Council.

These signs will clearly:

- ▶ Inform the public that cameras are in operation in the vicinity;
  - ▶ Inform the public that footage is recorded 24 hours a day, 7 days a week;
  - ▶ Identify Council as the owner of the CCTV Program; and
  - ▶ Provide a contact telephone number for inquiries in relation to the CCTV cameras.
- b. Copies of the Code of Practice and SOPs will be made available to the public upon request and on Council's website.
- c. Inquiries in relation to Council's CCTV Program and its operation can be made in writing to Council, Attention General Manager, PO Box 21 Mathoura NSW 2710.
- d. The proposed installation of CCTV cameras in other locations of the Council, or their removal, will be the subject of an investigation into breaches of legislation assessment by Council. Any changes will be require the approval of MANEX and will also be reported to Council's Audit & Risk Committee.
- e. Consult with the Information and Communications Technology Unit (ICT) to ensure the proposal does not affect the ICT capacity to comply with the minimum 21 days storage.
- f. Where it has been determined that a location will contain CCTV cameras, or that a location will have cameras removed following the process outlined in clause (d) above, this Policy will be amended to reflect the change only after the bi-annual evaluation referred to in Principle 5.
- g. SOPs for each site will show the captured areas of the cameras and will be made available to the public and on Council's website.
- h. Council will retain records of all new, additional, altered or removed cameras including the reasons why within Council's Record Management System (CM9).
- i. The proposed locations of temporary CCTV cameras within the Council area are subject to consultations with the Police, and after a community safety audit, including a risk assessment has been completed. Temporary camera sites for installation or removal will require approval by MANEX and be reported to Council's Audit & Risk Committee.
- j. Removal of temporary CCTV cameras from any location will only be undertaken in consultation with the Police. The decision to remove or relocate a temporary CCTV camera will remain with MANEX.

#### **Principle 5: Evaluation of the Program**

Evaluation of the CCTV Program will be undertaken to identify whether the purposes of the Program are being complied with. The evaluation will extend to whether this Policy is being adhered to.

- a. Council is responsible for ensuring that the CCTV Program is regularly evaluated to ensure that the program is meeting its aims and objectives.
- b. Council will undertake an evaluation of the CCTV Program on an as needed basis to ensure that they are meeting the expected outcomes. An Audit will also be undertaken every two years.

The audit will be undertaken:

- ▶ To provide an independent and continuous review mechanism for the Program;
- ▶ To identify and report any deviations from the Policy or SOPs that come to notice;

- ▶ To recommend actions that will safeguard and enhance the CCTV Program;
  - ▶ Changes if any to the extent of the system;
  - ▶ Any major amendments to the Code of Practice;
  - ▶ Locations where additional cameras may be required, or where cameras should be removed;
  - ▶ Assessment of its impact upon crime where directly evident;
  - ▶ Change in public perception of personal safety through an independent survey;
  - ▶ Assessment of system and any technology problems.
- c. The results of the evaluation will be made available for public information upon request and on Council's website.
- d. The Audit undertaken will examine such matters as:
- ▶ Complaints received, and responses provided;
  - ▶ Processes used to receive, assess and process access requests;
  - ▶ Whether the systems and processes utilised remain good practice;
  - ▶ Procurement of CCTV.

#### **Principle 6: Management of CCTV Monitors**

Staff and contractors who have responsibilities for viewing and/or controlling CCTV monitors, will meet and apply the highest standards of probity.

In locations where monitors relating to cameras that are not constantly viewed, access is restricted to authorised officers, and opportunities for inadvertent viewing by other persons is to be minimised.

- a. The Moama Office monitor room is located in the computer server room.
- b. The Moama Depot monitor is located in the works storage shed.
- c. The Mathoura skate park monitor is located in the NPW site office
- d. The Moama Landfill monitor is located in the landfill office.
- e. Access to the recordings captured by the cameras are not available to members of the public. The SOP for that location regulate access for operating staff.
- f. The circumstances in which visitors are able to access the control room will be controlled and outlined in the SOP. All such access shall be recorded in a register, including the identity of accompanying persons.
- g. Council and/or its security provider/contractor will adopt and maintain:
  - ▶ A requirement that staff must have and maintain at all times all necessary licensing requirements and be qualified at a suitable level to meet all relevant legislative and regulatory requirements;
  - ▶ A procedure within its SOP which makes it plain to staff that they risk disciplinary proceedings (including dismissal) if they breach any of the provisions of the Code of Practice and SOPs;
  - ▶ A requirement of confidentiality which can be enforced during & after termination of employment;
  - ▶ Appropriate systems, so as to keep a record of all requests for footage, as well as the response.
- h. In all other locations where CCTV camera vision is available, Council is to ensure that staff have an awareness of the above requirements to the extent they apply to their location, the importance of ensuring confidentiality and appropriate access to footage, as well as seeking at all times to minimise the opportunities for inadvertent viewing by others.

**Principle 7: Control and Operation of Cameras**

Information recorded will not exceed that necessary to fulfil the purposes of the CCTV Program, and will be obtained fairly and in accordance with the privacy provisions in this Policy.

- a. CCTV Cameras may be housed in weather protective domes or cases which will be clearly apparent to the public and not be unduly concealed.
- b. Cameras will not be used to look onto adjacent or nearby premises, buildings, commercial premises or private residences unless requested by the Police for the purpose of:
  - ▶ Following participants in a crime;
  - ▶ Following participants suspected of being involved in a crime;
  - ▶ Police intelligence gathering;
  - ▶ Police special or covert operations;
  - ▶ Monitoring persons or motor vehicles suspected of being involved in a crime; and
  - ▶ Monitoring property suspected of being used to accommodate criminal activity.
- c. Operators of camera equipment will act in accordance with the highest standards of probity and will control cameras to record subjects or particular places strictly in accordance with the purposes of the CCTV Program, this Code and applicable legislative requirements.
- d. Only personnel with responsibility for using the equipment will have access to operating controls, and recording facilities, except in the case of an emergency whereby the Police may have access.

**Principle 8: Retention of, and access to, recorded material**

The retention of, and access to, recorded material will be only for the purposes provided by this Code of Practice and will be kept no longer than is necessary for the purposes of the CCTV Program. Recorded material no longer required will be disposed of using approved disposal methods.

- a. All requests for access to recorded material, other than by authorised representatives of Council, must be made to Council by means of an Access Application pursuant to the Government Information (Public Access) Act 2009 (and any subsequent revisions). Access Applications will be determined by Council's authorised officers in accordance with the provisions of that Act (and any subsequent revisions).

Access to recorded material by the Police, will only be granted:

- ▶ In compliance with the needs of the Police in the investigation and detection of a crime or suspected crime;
  - ▶ For use in Police intelligence gathering;
  - ▶ For use in relation to special or covert operations;
  - ▶ For providing evidence in actual or possible criminal and/or civil proceedings;
  - ▶ For identification of witnesses; and/or
  - ▶ For research/development purposes.
- b. Recorded material will be treated according to all relevant and appropriate legislation and standards.
  - c. Recorded material will not be sold or used for commercial or other purposes or the provision of entertainment and will only be used for the purposes as set out in the Code of Practice.
  - d. The showing of recorded material to the public will be permitted only in accordance with the needs of the Police and/or Council's security provider in connection with the investigation of crime or in any other circumstances provided by law.

- e. Subject to the concurrence or request of the Police, the release of recorded material to the media may be approved by Council.
- f. Use of recorded material by the media should only occur to gain public information with respect to the identity of a person/s wanted. The recognisable characteristics of other people in the footage shall be obscured.
- g. Any material released to the media will be accompanied by a signed release that clearly states what the material will be used for, and sets out the limits on its use.
- h. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- i. Footage will generally be retained for no less than 21 days, and thereafter will be deleted, unless identified as containing an incident, required to be retained in relation to the investigation of crime, for Court proceedings notified to Council, or for ongoing intelligence and investigations.
- j. All images may be recorded and retained for a period less than outlined in (i) above, during times of upgrading, repair or changeover of ICT and camera software or hardware, or during periods of maintenance or replacement of equipment or assets.
- k. If in the rare circumstance that ICT hardware fails and the current recorded images of up to 21 days are deleted, all reasonable efforts to repair or replace equipment will be made.
- l. Council retains ownership all recordings, photographs and documentation pertaining to the Program.

### **3. AMENDMENT TO THE CODE OF PRACTICE**

- a. Any major amendment to this Code of Practice will be developed in consultation with the Police and Audit & Risk Committee. A major amendment is one that will have a major and significant impact on the operation of the Program, for example, a change to the purposes of the Program and/or the key principles of this Code.
- b. Any minor amendment to the CCTV Program or to the Code of Practice may be made with agreement by the Director of Engineering and/or MANEX. A minor amendment is such as may be required for the purposes of an adjustment of the operations of the program or clarification of the CCTV Program or the Code of Practice.

### **4. COMPLIANCE AND BREACHES OF THE CODE**

- a. Responsibility for ensuring the Code of Practice is adhered to rests with Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Council's power to remedy.
- b. Where surveillance is required for the security of employees or Council assets, such surveillance devices will only be used in accordance with Council Management Policy - Surveillance of Employees.
- c. Council must give fair and equitable consideration to all prospective suppliers.



## 5 COMPLAINTS

- a. A straightforward and efficient complaint handling procedure is provided by Council.
- b. Complaints in relation to any aspect of the management or operation of the system may be made in writing to;
  - The General Manager  
PO Box 21  
MATHOURA NSW 2710
- c. The General Manager will inform the Director of Corporate Services of each complaint received and how it would be dealt with.
- d. Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.
- e. Section 36 of the *Privacy and Personal Information Protection Act 1998* authorises the Privacy Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy Commissioner NSW;

The Privacy Commissioner can be contacted at:

Information and Privacy Commission NSW  
GPO Box 7011  
SYDNEY NSW 2001  
Telephone 1800 472 679, or  
Email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

## 6. IMPLEMENTATION AND DELEGATION

CCTV cameras have been installed in the following locations and for the purpose(s) identified below:

LOCATION	PURPOSE(S)
Moama Branch Office Public Toilet and Public Carpark	<p>Assist in reducing personal and property crime levels by deterring potential offenders</p> <p>Assist in reducing the public's fear of crime</p> <p>Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress</p> <p>Assist in the detection and prosecution of offenders</p> <p>Help secure a safer environment and protect the community and property from crime</p>
Moama Landfill	<p>Assist in reducing personal and property crime levels by deterring potential offenders</p> <p>Assist in the detection and prosecution of offenders</p>

<p>Mathoura Skate Park (camera attached to NPW building)</p>	<p>Assist in reducing personal and property crime levels by deterring potential offenders</p> <p>Assist in reducing the public's fear of crime</p> <p>Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress</p> <p>Assist in the detection and prosecution of offenders</p> <p>Help secure a safer environment and protect the community and property from crime</p>
<p>Moama Depot</p>	<p>Assist in reducing personal and property crime levels by deterring potential offenders</p> <p>Assist in the detection and prosecution of offenders</p>
<p>Moama CBD (Meninya Street)</p>	<p>Assist in reducing personal and property crime levels by deterring potential offenders.</p> <p>Assist in reducing the public's fear of crime</p> <p>Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress</p> <p>Assist in the detection and prosecution of offenders</p> <p>Help secure a safer environment and protect the community and property from crime</p>

### **Authorised Officers**

Permission to access footage will be provided as follows;

Request by	Purpose of Request	Approval	Authorised Access	Access Type
Council Employee	Review Asset Service, complaint against Council, legal action against Council	General Manager	Directors Manager Assets Systems	Footage download
Police	Legal investigation	Automatic	Directors Manager Assets Systems Building Maintenance Coordinator	Anytime if access is available
Contracted Administrator	Complete maintenance and repair activities as required	General Manager	Manager Assets Systems Building Maintenance Coordinator	Full system access.

Terminology:

Term	Definition
ATM	Automatic Teller Machine
CCTV	Closed Circuit Television
ICT	Information & Communication Technology
MANEX	Executive Management Team of Council
MOU	Memorandum of Understanding
MRC	Murray River Council
NPW	National Parks and Wildlife
Police	NSW Police - Victorian Police – either both or separately
SOPs	Standard Operating Procedures

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1	Initial Issue	25 June 2019	VF/19/607	At the same time as the Policy – June 2023 or sooner if required